

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MORRIS BROADNAX,

Petitioner,

v.

CASE NO. 08-CV-12158
HONORABLE GERALD E. ROSEN

LLOYD RAPELLEJE,

Respondent.

ORDER DENYING PETITIONER'S MOTION FOR RELEASE ON BOND

This matter is before the Court on Petitioner's motion for release on bond. Petitioner has filed his petition for writ of habeas corpus and supporting materials, but Respondent has not yet filed an answer to the petition. Respondent's answer is due December 5, 2008.

The United States Court of Appeals for the Sixth Circuit has stated that to receive bond pending a decision in a federal habeas case,

[P]risoners must be able to show not only a substantial claim of law based on the facts surrounding the petition but also the existence of 'some circumstance making [the motion for bail] exceptional and deserving of special treatment in the interests of justice.' *Aronson v. May*, 85 S. Ct. 3, 5; 13 L. Ed. 2d 6, 9 (1964) [additional citations omitted]. There will be few occasions where a prisoner will meet this standard.

Lee v. Jabe, 989 F.2d 869, 871 (6th Cir. 1993) (quoting *Dotson v. Clark*, 900 F.2d 77, 79 (6th Cir. 1990)). Federal district courts may grant bail when granting the writ. *See Sizemore v. District Ct.*, 735 F.2d 204, 208 (6th Cir. 1984). However, to grant bond prior to making a determination on the merits is extraordinary. *See Moore v. Egeler*, 390 F. Supp. 205, 207 (E.D.

Mich. 1975) (Feikens, J.). This is not such a case. The Court is not persuaded that the interests of justice require release on bond pending resolution of the habeas petition.

Accordingly,

IT IS ORDERED that Petitioner's motion is **DENIED**.

s/Gerald E. Rosen
Gerald E. Rosen
United States District Judge

Dated: July 3, 2008

I hereby certify that a copy of the foregoing document was served upon counsel of record on July 3, 2008, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry
Case Manager